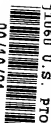


09/18/01



1060 U.S. PTO

09/12/01

A

Please type a plus sign (+) inside this box → ☒

Approved for use through 10/31/2002, OMB 0051-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. G0228

First Inventor Tabery, et al.

Title IN-SITU OR EX-SITU PROFILE MONITORING...

Express Mail Label No. ET268326505US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 30]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 20]
5. Oath or Declaration [Total Pages 3]
- a. ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- b. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(c)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement [Power of Attorney (when there is an assignee)]
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Express Mail Certificate

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. _____

Prior application information:

Examiner

Group Art Unit

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

Name Himanshu S. Amin

Amin & Turocy, LLP

Address 1900 E. 9th Street, 24th Floor, National City Center

City Cleveland State Ohio Zip Code 44114

Country Telephone 216.696.8730 Fax 216.696.8731

Name (Print/Type) Himanshu S. Amin Registration No. (Attorney/Agent) 40,894

Signature [Signature] Date September 18, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

0955517-091801

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 1,000.00

Complete if Known

Application Number	
Filing Date	Herewith
First Named Inventor	Tabery, et al.
Examiner Name	
Group Art Unit	
Attorney Docket No.	G0228

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																					
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 50-1063</p> <p>Deposit Account Name: Amin & Turocy, LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity/Small Entity Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105 130 205 65</td> <td></td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>127 50 227 25</td> <td></td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139 130 139 130</td> <td></td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147 2,520 147 2,520</td> <td></td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>112 920* 112 920*</td> <td></td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113 1,840* 113 1,840*</td> <td></td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115 110 215 55</td> <td></td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116 390 216 195</td> <td></td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117 890 217 445</td> <td></td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118 1,390 218 695</td> <td></td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128 1,890 228 945</td> <td></td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119 310 219 155</td> <td></td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120 310 220 155</td> <td></td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121 270 221 135</td> <td></td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138 1,510 138 1,510</td> <td></td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140 110 240 55</td> <td></td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>141 1,240 241 620</td> <td></td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>142 1,240 242 620</td> <td></td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143 440 243 220</td> <td></td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144 600 244 300</td> <td></td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>122 130 122 130</td> <td></td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123 50 123 50</td> <td></td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126 240 126 240</td> <td></td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>581 40 581 40</td> <td></td> <td>Recording each patent assignment per property (times number of properties)</td> <td>40.00</td> </tr> <tr> <td>146 710 246 355</td> <td></td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>149 710 249 355</td> <td></td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>179 710 279 355</td> <td></td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>168 900 168 900</td> <td></td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>		Large Entity/Small Entity Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	105 130 205 65		Surcharge - late filing fee or oath		127 50 227 25		Surcharge - late provisional filing fee or cover sheet		139 130 139 130		Non-English specification		147 2,520 147 2,520		For filing a request for <i>ex parte</i> reexamination		112 920* 112 920*		Requesting publication of SIR prior to Examiner action		113 1,840* 113 1,840*		Requesting publication of SIR after Examiner action		115 110 215 55		Extension for reply within first month		116 390 216 195		Extension for reply within second month		117 890 217 445		Extension for reply within third month		118 1,390 218 695		Extension for reply within fourth month		128 1,890 228 945		Extension for reply within fifth month		119 310 219 155		Notice of Appeal		120 310 220 155		Filing a brief in support of an appeal		121 270 221 135		Request for oral hearing		138 1,510 138 1,510		Petition to institute a public use proceeding		140 110 240 55		Petition to revive - unavoidable		141 1,240 241 620		Petition to revive - unintentional		142 1,240 242 620		Utility issue fee (or reissue)		143 440 243 220		Design issue fee		144 600 244 300		Plant issue fee		122 130 122 130		Petitions to the Commissioner		123 50 123 50		Petitions related to provisional applications		126 240 126 240		Submission of Information Disclosure Stmt		581 40 581 40		Recording each patent assignment per property (times number of properties)	40.00	146 710 246 355		Filing a submission after final rejection (37 CFR § 1.129(a))		149 710 249 355		For each additional invention to be examined (37 CFR § 1.129(b))		179 710 279 355		Request for Continued Examination (RCE)		168 900 168 900		Request for expedited examination of a design application	
Large Entity/Small Entity Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid																																																																																																																				
105 130 205 65		Surcharge - late filing fee or oath																																																																																																																					
127 50 227 25		Surcharge - late provisional filing fee or cover sheet																																																																																																																					
139 130 139 130		Non-English specification																																																																																																																					
147 2,520 147 2,520		For filing a request for <i>ex parte</i> reexamination																																																																																																																					
112 920* 112 920*		Requesting publication of SIR prior to Examiner action																																																																																																																					
113 1,840* 113 1,840*		Requesting publication of SIR after Examiner action																																																																																																																					
115 110 215 55		Extension for reply within first month																																																																																																																					
116 390 216 195		Extension for reply within second month																																																																																																																					
117 890 217 445		Extension for reply within third month																																																																																																																					
118 1,390 218 695		Extension for reply within fourth month																																																																																																																					
128 1,890 228 945		Extension for reply within fifth month																																																																																																																					
119 310 219 155		Notice of Appeal																																																																																																																					
120 310 220 155		Filing a brief in support of an appeal																																																																																																																					
121 270 221 135		Request for oral hearing																																																																																																																					
138 1,510 138 1,510		Petition to institute a public use proceeding																																																																																																																					
140 110 240 55		Petition to revive - unavoidable																																																																																																																					
141 1,240 241 620		Petition to revive - unintentional																																																																																																																					
142 1,240 242 620		Utility issue fee (or reissue)																																																																																																																					
143 440 243 220		Design issue fee																																																																																																																					
144 600 244 300		Plant issue fee																																																																																																																					
122 130 122 130		Petitions to the Commissioner																																																																																																																					
123 50 123 50		Petitions related to provisional applications																																																																																																																					
126 240 126 240		Submission of Information Disclosure Stmt																																																																																																																					
581 40 581 40		Recording each patent assignment per property (times number of properties)	40.00																																																																																																																				
146 710 246 355		Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																					
149 710 249 355		For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																					
179 710 279 355		Request for Continued Examination (RCE)																																																																																																																					
168 900 168 900		Request for expedited examination of a design application																																																																																																																					
<p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>																																																																																																																					
<p>FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1"> <thead> <tr> <th>Large Entity/Small Entity Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101 710 201 355</td> <td></td> <td>Utility filing fee</td> <td>710</td> </tr> <tr> <td>106 320 206 160</td> <td></td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107 490 207 245</td> <td></td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108 710 208 355</td> <td></td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114 150 214 75</td> <td></td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table> <p>SUBTOTAL (1) (\$) 710.00</p>		Large Entity/Small Entity Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	101 710 201 355		Utility filing fee	710	106 320 206 160		Design filing fee		107 490 207 245		Plant filing fee		108 710 208 355		Reissue filing fee		114 150 214 75		Provisional filing fee		<p>2. EXTRA CLAIM FEES</p> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>25</td> <td>-20** = 5</td> <td>18</td> <td>90</td> </tr> <tr> <td>5</td> <td>-3** = 2</td> <td>80</td> <td>160</td> </tr> <tr> <td>0</td> <td></td> <td>0</td> <td>0</td> </tr> </tbody> </table> <p>Large Entity/Small Entity Fee Code (\$)</p> <table border="1"> <thead> <tr> <th>Large Entity/Small Entity Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>103 18 203 9</td> <td></td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>102 80 202 40</td> <td></td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>104 270 204 135</td> <td></td> <td>Multiple dependent claim, if not paid over original patent</td> <td></td> </tr> <tr> <td>109 80 209 40</td> <td></td> <td>** Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>110 18 210 9</td> <td></td> <td>** Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> </tbody> </table> <p>SUBTOTAL (2) (\$) 250.00</p>		Total Claims	Extra Claims	Fee from below	Fee Paid	25	-20** = 5	18	90	5	-3** = 2	80	160	0		0	0	Large Entity/Small Entity Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	103 18 203 9		Claims in excess of 20		102 80 202 40		Independent claims in excess of 3		104 270 204 135		Multiple dependent claim, if not paid over original patent		109 80 209 40		** Reissue independent claims over original patent		110 18 210 9		** Reissue claims in excess of 20 and over original patent																																																					
Large Entity/Small Entity Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid																																																																																																																				
101 710 201 355		Utility filing fee	710																																																																																																																				
106 320 206 160		Design filing fee																																																																																																																					
107 490 207 245		Plant filing fee																																																																																																																					
108 710 208 355		Reissue filing fee																																																																																																																					
114 150 214 75		Provisional filing fee																																																																																																																					
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																				
25	-20** = 5	18	90																																																																																																																				
5	-3** = 2	80	160																																																																																																																				
0		0	0																																																																																																																				
Large Entity/Small Entity Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid																																																																																																																				
103 18 203 9		Claims in excess of 20																																																																																																																					
102 80 202 40		Independent claims in excess of 3																																																																																																																					
104 270 204 135		Multiple dependent claim, if not paid over original patent																																																																																																																					
109 80 209 40		** Reissue independent claims over original patent																																																																																																																					
110 18 210 9		** Reissue claims in excess of 20 and over original patent																																																																																																																					
<p>*by number previously paid, if greater; For Reissues, see above</p>		<p>*Reduced by Basic Filing Fee Paid</p>																																																																																																																					
<p>SUBTOTAL (3) (\$) 40.00</p>		<p>SUBTOTAL (3) (\$) 40.00</p>																																																																																																																					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Himanshu S. Amin	Registration No. (Attorney/Agent)	40,984
Signature		Telephone	216-696-8730
		Date	September 18, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

09555317-091601

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Tabery, et al.

Title IN-SITU OR EX-SITU PROFILE MONITORING...

Atty Docket Number G0228

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 18, 2001

Date



Signature

Himanshu S. Amin (Reg. No. 40,894)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**